

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OKLAHOMA**

1) VIDEO GAMING TECHNOLOGIES, INC.,)
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)
)
Plaintiff,)
)
)
v.) Case No. 4:17-cv-00454-GKF-JFJ
)
)
1) CASTLE HILL STUDIOS LLC)
 (d/b/a CASTLE HILL GAMING);)
2) CASTLE HILL HOLDING LLC)
 (d/b/a CASTLE HILL GAMING); and)
3) IRONWORKS DEVELOPMENT, LLC)
 (d/b/a CASTLE HILL GAMING))
)
Defendants.)

PLAINTIFF'S NOTICE OF PROPOSED REDACTIONS TO DOCKET NO. 329

Plaintiff Video Gaming Technologies, Inc. (“VGT”) hereby submits proposed redactions to the transcript of the June 11, 2019 motion hearing (Dkt. No. 329) (the “Transcript”).

VGT requests redaction of confidential VGT information appearing on several pages of the Transcript, highlighted in Exhibit A filed herewith. The passages VGT seeks to redact contain: (1) revenue, advertising spending, and sales amounts (20–21, 117, 126), (2) internal naming conventions (27, 100), (3) descriptions of VGT’s trade secrets and confidential business information, including quotations from confidential documents (38–39, 49–54, 58–59, 100, 138–39, 141–41, 143–44, 146), (4) descriptions of VGT’s private agreements with certain casinos (50, 60), (5) descriptions of confidential documents concerning VGT’s purchase of trademark rights (80–81), (6) descriptions of VGT’s source code (103), and (7) VGT testimony about VGT’s internal decision-making (109–10). Most of these references are to information commonly held confidential by corporations. For example, VGT’s source code is confidential and competitively sensitive information that VGT has designated as “Highly Confidential Source Code” under the

Protective Order in this litigation. *See* Decl. of Josh Davis (Dkt. No. 239) ¶ 11 (explaining that VGT's source code is stored in a password-protected repository to which access is limited to persons under confidentiality obligations).

Additionally, VGT seeks to redact descriptions of its trade secrets and confidential business information that Defendants have misappropriated, the existence of which are an active issue in this case. *See* VGT's Resp. & Br. in Opp'n to Defs.' Mot. Summ. J. (Dkt. No. 239) at 42–50. As Mr. Shults explains, this information is “regarded as proprietary, confidential, and important aspects of [VGT's] Class II system and game design.” Decl. of Chris Shults (Dkt. No. 239) ¶ 13. VGT's gaming expert, Stacy Friedman, has opined that this information would be valuable to VGT's competitors. *See* Decl. of Stacy Friedman (Dkt. No. 239) ¶¶ 41, 43. Because “the pages [of the Order] contain ‘sources of business information that might harm a litigant’s competitive standing,’” the proposed redactions are warranted. *Deherrera v. Decker Truck Line, Inc.*, 820 F.3d 1147, 1162 n.8 (10th Cir. 2016) (quoting *Nixon v. Warner Commc'ns, Inc.*, 435 U.S. 589, 598 (1978)).

For these reasons, VGT respectfully requests that the Court maintain the Transcript under seal and apply VGT's proposed redactions, as shown in Exhibit A hereto, to the public version of the Transcript.

July 9, 2019

Respectfully submitted,

/s/ Gary M. Rubman
Graydon Dean Luthey, Jr., OBA No. 5568
GABLE GOTWALS
1100 ONEOK Plaza
100 West Fifth Street
Tulsa, OK 74103-4217
Telephone: (918) 595-4821
Facsimile: (918) 595-4990

dluthey@gablelaw.com

Gary M. Rubman
Peter A. Swanson
Rebecca B. Dalton
COVINGTON & BURLING LLP
One CityCenter
850 Tenth Street, NW
Washington, D.C. 20001-4956
Telephone: (202) 662-6000
Facsimile: (202) 778-5465
grubman@cov.com
pswanson@cov.com
rdalton@cov.com
(admitted pro hac vice)

Neil K. Roman
COVINGTON & BURLING LLP
The New York Times Building
620 Eighth Avenue
New York, NY 10018-1405
Telephone: (212) 841-1221
Facsimile: (212) 841-1010
nroman@cov.com
(admitted pro hac vice)

Counsel for Video Gaming Technologies, Inc.

CERTIFICATE OF SERVICE

I hereby certify that on July 9, 2019, I filed the foregoing Plaintiff's Notice of Proposed Redactions to Docket No. 329 via ECF, which caused a true and correct copy of the foregoing motion to be delivered to the following counsel:

Robert C. Gill
Thomas S. Schaufelberger
Matthew J. Antonelli
Henry A. Platt
SAUL EWING ARNSTEIN & LEHR, LLP
1919 Pennsylvania Avenue, NW, Suite 550
Washington, D.C. 20006
(202) 295-6605
(202) 295-6705 (facsimile)
robert.gill@saul.com
tschauf@saul.com
matt.antonelli@saul.com
henry.platt@saul.com

Sherry H. Flax
SAUL EWING ARNSTEIN & LEHR, LLP
500 E. Pratt Street, Suite 900
Baltimore, Maryland 21202
(410) 332-8764
(410) 332-8785 (facsimile)
sherry.flax@saul.com

James C. Hodges, OBA 4254
JAMES C. HODGES, PC
2622 East 21st Street, Suite 4
Tulsa, OK 74114
Telephone: (918) 779-7078
JHodges@HodgesLC.Com

Duane H. Zobrist
Jonathan S. Jacobs
ZOBRIST LAW GROUP PLLC
1900 Arlington Blvd. Suite B
Charlottesville, VA 22903
Telephone: (434) 658-6400
dzobrist@zoblaw.com
jjacobs@zoblaw.com

Attorneys for Defendants

/s/ Gary M. Rubman

Exhibit A

(Filed Under Seal)